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U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
 New York, New York 10007

November 8, 2024

By ECF

The Honorable Katharine H. Parker
 United States Magistrate Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

The Court thanks the parties for this update. The parties shall file another status letter on **December 9, 2024.**

SO ORDERED:

Katharine H. Parker 11/12/2024
HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

Re: *International Refugee Assistance Project, Inc. v. United States Citizenship and Immigration Services, et al.*, No. 23 Civ. 1236 (KHP)

Dear Judge Parker:

This Office represents Defendants United States Citizenship and Immigration Services (“USCIS”) and the Department of State (“State,” and together with USCIS, the “Government”) in the above-referenced Freedom of Information Act (“FOIA”) action. We write jointly with Plaintiff International Refugee Assistance Project, Inc. (“IRAP”) in response to the Court’s order to file a joint status report on the eighth day of each month, or if that date is a weekend or public holiday, then on the following Monday.

This matter concerns FOIA requests IRAP submitted to State and USCIS. The USCIS request seeks records for case management software systems used or accessed by USCIS to process a refugee for resettlement to the United States through the U.S. Refugee Admissions Program. The State request seeks the same records with respect to State (“Part One” of the State request), as well as anonymized data from individual refugee cases (“Part Two” of the State request).

USCIS made its first and final release of identified responsive records on July 7, 2023. IRAP has finished its initial review of these records and is still assessing the appropriateness of USCIS’s claimed withholdings, as well as the reasonableness of the agency’s search. IRAP specifically inquired about withholdings made with respect to certain draft documents; USCIS reprocessed those documents and produced them to IRAP on March 15, 2024. IRAP asked USCIS on June 6, 2024, to clarify why it did not identify CLAIMS 3 as a case management system responsive to IRAP’s request. While USCIS did not originally identify CLAIMS 3 as a responsive case management system, after discussions with IRAP, USCIS agreed to conduct a supplemental search for responsive records regarding CLAIMS 3, which it has now completed. This supplemental search did not return any additional records. On October 29, 2024, IRAP inquired about the scope of the searches USCIS conducted and USCIS’s interpretation of the scope of its request. USCIS is working on responding to this inquiry.

With respect to Part One of the State request, State has identified from its first search approximately 2,863 pages of potentially responsive records for the case management systems—

START and Refugee Processing Center Amazon Webservices (“RPC AWS”)—that it uses or accesses to process refugees. State provided its twelfth release determination for records responsive to Part One of the State request on October 4, 2024, and anticipates making its thirteenth and fourteenth productions of responsive records by November 15, 2024, and December 27, 2024, respectively.¹

In its initial search for records responsive to Part One of the State request, State did not search for responsive records for the case management systems that it accesses or uses to process follow-to-join refugees due to a misunderstanding about the scope of IRAP’s request, although the records identified in State’s initial search did include information about follow-to-join refugees. At IRAP’s request, State agreed to conduct a second search for responsive records for the case management systems that it accesses or uses to process follow-to-join refugees in the middle of July 2023. It identified Immigrant Visa Overseas (“IVO”) and Immigrant Visa Information System (“IVIS”) as the responsive case management systems to IRAP on September 7, 2023. State tasked three components to search for responsive records—the Bureau of Consular Affairs’ Office of Information Management and Liaison within the Directorate of Visa Services (“CA/VO/I”), the Bureau’s Consular Systems and Technology Division (“CA/CST”), and the National Visa Center (“NVC”). CA/VO/I returned ten records totaling approximately 1,229 pages; NVC returned nine records totaling approximately 141 pages; CA/CST returned eight records—two excel file records and six non-excel records, the latter of which total approximately 2,173 pages. All of these records have been added into the queue to be processed.

The parties continue to discuss the possibility of resolving issues relating to Part Two of the State request consensually. With respect to non-follow-to-join refugee data, the parties have had productive exchanges over the last few months. On September 4, 2024, IRAP made requests regarding certain requested data fields. State has prepared a preliminary response that it intends to discuss with IRAP soon. With respect to follow-to-join refugee data, State relayed to IRAP what parts of the requested data are maintained in the responsive case management systems on October 25, 2024, and the parties are discussing the possibility of resolving issues relating to follow-to-join refugee data consensually.

The parties thank the Court for its consideration of this joint status report and will file their next joint status report by December 9, 2024. If any issue becomes ripe for summary judgment motion practice in the meantime, the party seeking to file the motion will request a pre-motion conference with the Court.

¹ State has proposed making a good faith effort to process an average of 450 pages per six weeks exclusive of external consultations with respect to Part One of the State request. The parties continue to discuss issues regarding processing rate and external consultations and will raise those issues with the Court in the future if and when the need arises.

Respectfully,

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Southern District of New York

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